

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

ITV DIRECT, INC.,)
)
)
Plaintiff,)
)
v.)
)
HEALTHY SOLUTIONS, LLC, ET. AL.,)
)
Defendants.)

CAPPSEALS, INC.,)
)
Plaintiff-in-)
Intervention)
v.)
)
HEALTHY SOLUTIONS, LLC., D/B/A)
DIRECT BUSINESS CONCEPTS; ITV)
DIRECT, INC. AND DIRECT)
FULFILLMENT, LLC.)
)
Intervenor-)
Defendants.)

C. A. No. 04-CV10421-JLT
(DEIN, J)

**CAPPSEALS, INC.'S REPLY TO THE ITV PARTIES'
OPPOSITION TO CAPPSEALS' MOTION FOR SANCTIONS
UNDER 28 U.S.C. § 1927 AND THE INHERENT POWERS OF THE COURT**

EXHIBIT 5, PART 1

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ATTORNEYS **SHAW**

55 EAST MONROE STREET - SUITE 4200
CHICAGO, ILLINOIS 60603-5803
AREA CODE (312) 346-8000
FEDERAL ID 36-2152202

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April 2004

Invoice No. 962693
1843 35965 / 35965-000006
C3

Direct Marketing Concepts, Inc.
100 Cummings Center
Suite 506E
Beverly, MA 01915-6109
Attn:

For legal services rendered through the month of March 2004

Supreme Greens Litigation

<u>Date</u>	<u>Attorney/Paralegal</u>	<u>Hours</u>	<u>Description</u>
03/29/04	M. Callahan	.50	Conferences with C. Robertson regarding
Total Hours		.50	
Total Fees			180.00
Total This Statement			<u>\$ 180.00</u>

BILLS ARE DUE AND PAYABLE UPON RECEIPT
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April 2004

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INVOICE SUMMARY

Total Fees

\$ 180.00

PLEASE RETURN THIS COPY WITH YOUR PAYMENT

PAYMENT MAY BE MADE BY WIRE TO: AMERICAN NATIONAL BANK & TRUST COMPANY
ACCOUNT NUMBER: 4036166
ABA NUMBER: 071000770

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May 2004

Invoice No. 993612
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C3

Direct Marketing Concepts, Inc.
100 Cummings Center
Suite 506E
Beverly, MA 01915-6109
Attn:

For legal services rendered through the month of April 2004

Supreme Greens Litigation

<u>Date</u>	<u>Attorney/Paralegal</u>	<u>Hours</u>	<u>Description</u>
03/11/04	C. Robertson	0.60	Telephone call with C. Pederson ; review Supreme greens contract and correspondence in connection with dispute.
03/11/04	D. Tabacopoulos	0.50	Discussion with C. Robertson regarding
03/12/04	C. Robertson	0.50	Calls with E. Barrett and C. Pederson regarding review FDA materials in connection with labeling.
03/15/04	C. Robertson	0.60	Review correspondence with counsel and with A. Guerrero regarding dispute over Supreme Greens receivables, trademarks and related matters.
03/16/04	C. Robertson	3.10	Telephone call from E. Barrett regarding ; conference call with C. Pederson regarding ; review and annotate correspondence regarding dispute; review website; call with D. Tabacopoulos in Los Angeles regarding ; review contract between ITV and Healthy Solutions.
03/19/04	C. Robertson	1.90	Review new Essex County Complaint and motion for preliminary injunction and trustee process; review cases regarding

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<u>Date</u>	<u>Attorney/Paralegal</u>	<u>Hours</u>	<u>Description</u>
			; review
03/19/04	D. Tabacopoulos	0.50	Review Massachusetts complaint and accompanying correspondence; communications with C. Pederson regarding
03/21/04	C. Robertson	2.60	Telephone call with B. Maihos and D. Barrett regarding research in connection with opposition to motion for preliminary injunction; call with P. Brooks regarding
03/21/04	P. Alley	0.50	Research on
03/21/04	P. Brooks	2.00	Review complaint and removal statute. Review cases.
03/22/04	C. Robertson	7.80	Prepare opposition to motion for preliminary injunction; prepare affidavit for B. Maihos in support of opposition; research and review cases regarding ; conference with P. Brooks regarding
03/22/04	D. Tabacopoulos	0.50	Telephone conference with C. Pederson regarding ; telephone conference with C. Robertson regarding
03/22/04	D. Welding	0.70	Prepare materials for hearing.
03/22/04	M. Callahan	0.70	Conferences with P. Brooks and C. Robertson regarding
03/22/04	P. Brooks	2.70	Review and revise affidavit and brief; review federal court cases. telephone to Bob and to PL
03/23/04	C. Robertson	5.20	Telephone call with P. Brooks regarding ; call with B. Maihos regarding ; review website issues with Supreme Greens website and URL's; call with B. Maihos regarding draft and forward proposed settlement agreement to B. Maihos and D. Barrett.
03/23/04	D. Tabacopoulos	0.30	Telephone conference with C. Robertson regarding
03/23/04	P. Brooks	4.00	Prepare for and attend hearing in Lawrence; conference with Robertson regarding
03/24/04	C. Robertson	1.70	Review ; telephone calls with B. Maihos and D. Barrett regarding ; review
03/25/04	C. Robertson	0.80	Review documents in connection with settlement discussions with Guerrero; review URL's for Supreme Greens; call with B. Maihos

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<u>Date</u>	<u>Attorney/Paralegal</u>	<u>Hours</u>	<u>Description</u>
			regarding :
03/26/04	C. Robertson	1.20	Review files sent by C. Pederson regarding ; review correspondence between counsel in connection with Supreme Greens dispute.
03/29/04	C. Robertson	1.10	Calls with T. Stanwood regarding ; edit and revise settlement agreement; calls with B. Maihos regarding
03/30/04	C. Robertson	1.30	Calls with T. Stanwood and B. Maihos regarding ;
03/31/04	C. Robertson	0.40	Telephone calls with T. Stanwood and B. Maihos regarding ; call with D. Tabacopoulos regarding
03/31/04	D. Tabacopoulos	0.20	Communications with C. Robertson regarding
04/08/04	B. Lazar	0.30	Conference with C. Robertson regarding
04/08/04	C. Larkin	7.90	Telephone conference with Mr. Robertson regarding ; review and analyze TRO papers and related documents; conference with Ms. Tabacopoulos, Mr. Kobulnick, and Mr. Delaney, regarding ; telephone conference with Mr. Robertson and Mr. Maihos regarding ; review and analyze amended Guerrero declaration; draft and revise memorandum of points and authorities in opposition to TRO; review memoranda from Mr. Kobulnick; review relevant legal authorities.
04/08/04	C. Robertson	7.40	Review motion for temporary restraining order filed by Healthy Solutions in California; review supporting declarations and documents in connection with motion; calls with D. Tabacopoulos and C. Larkin regarding ; call with B. Christianson regarding filing of motion, settlement discussions and FTC issues; calls with B. Maihos and D. Barrett regarding
04/08/04	D. Delaney	8.00	Conference with D. Tabacopoulos regarding: Review ex parte documents, Guererro declaration.Meeting with C. Larkin, D. Tabacopoulos regarding: Research regarding: Conference with D.

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<u>Date</u>	<u>Attorney/Paralegal</u>	<u>Hours</u>	<u>Description</u>
			Tabacopolous regarding: . Conference call with Boston office, B. Morhais regarding: Legal research regarding: 1 Prepare written analysis for opposition insert regarding: Legal research regarding: Prepare written analysis of same. Legal research regarding: Telephone conference with Westlaw staff attorney regarding: Review case materials. Prepare draft of consent to magistrate form. Research regarding: Review cases regarding: . Prepare correspondence regarding: results of research.
04/08/04	D. Tabacopoulos	9.50	Review Healthy Solutions application for a TRO; contact with court and review court website regarding judge's TRO procedures; draft declaration for Robert Maihos . meeting with C. Larkin, et al.; multiple telephone discussions with C. Robertson regarding ; work on draft opposition; telephone discussion with plaintiff's counsel regarding whether ITV will consent to magistrate.
04/08/04	J. Kobulnick	7.10	Meeting with C. Larkin, D. Tabacopoulos, and D. Delaney regarding ; conference call with client regarding ; legal research and draft memorandum to C. Larkin in support ; additional meeting with C. Larkin regarding ; review draft Opposition to Motion for TRO.
04/08/04	K. Perrelli	0.40	Conference with C. Robertson regarding
04/08/04	M. Callahan	0.70	Conferences with C. Robertson; strategize on Supreme Greens case.
04/09/04	C. Larkin	6.60	Review correspondence from Mr. Delaney regarding correspond with Mr. Delaney regarding same; ; telephones conference with Mr. Robertson regarding ; draft and revise memorandum of points and authorities in opposition to motion for TRO; conferences with Ms. Tabacopoulos regarding review Geremesz declaration; correspond with Mr. Robertson regarding ; review correspondence from Mr. Robertson regarding
04/09/04	C. Robertson	3.90	Prepare and finalize opposition to TRO motion in California filed by Healthy Solutions; review opposition brief; review affidavits; calls with counsel in connection with opposition; review cases; review motion to intervene filed by Cappseals in Massachusetts; outline response; review cases regarding

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<u>Date</u>	<u>Attorney/Paralegal</u>	<u>Hours</u>	<u>Description</u>
04/09/04	D. Delaney	1.50	Review correspondence from C. Larkin. Prepare correspondence to C. Larkin and D. Tabacopoulos regarding: Prepare follow-up correspondence to same regarding: Review correspondence from D. Tabacopoulos. Conference with D. Tabacopoulos regarding: Conferences with C. Larkin, J. Kobulnick regarding:
04/09/04	D. Tabacopoulos	5.00	Multiple discussions with plaintiff's counsel regarding various; multiple discussions with Robert Maihos regarding ; multiple telephone discussions with C. Robertson regarding ; review and revise opposition papers; review declarations; multiple telephone discussions with court clerk regarding non-consent to magistrate; prepare non-consent forms; prepare notice of prior pending action; prepare certificate of interested parties; prepare correspondence to plaintiff's counsel regarding service of complaint.
04/09/04	D. Welding	0.30	Draft notice of appearances; draft cover letter for filing.
04/09/04	J. Kobulnick	1.80	Legal research regarding
; meeting with C. Larkin regarding ; discussion with D. Tabacopoulos regarding			
04/09/04	K. Perrelli	1.90	Discuss case with C. Robertson for review materials for hearing.
04/09/04	M. Callahan	0.60	Supreme Greens - Conferences with P. Brooks and C. Robertson regarding
04/09/04	O. Golinder	0.30	Conference with C. Robertson regarding ; telephone conference with clerk regarding memorandum of decision; receipt of the decision; distribute copies of the decision.
04/11/04	D. Tabacopoulos	2.00	Multiple telephone discussions with B. Maihos regarding ; review and revise all papers for filing
04/12/04	C. Larkin	0.60	Review correspondence from Mr. Robertson regarding ; revise draft Robertson declaration; telephone conference with Mr. Robertson regarding
04/12/04	C. Robertson	8.70	Finalize opposition to motion for TRO in California litigation; calls with CA counsel regarding ; draft affidavits and review briefs in connection with TRO application; draft opposition to motion for TRO filed by Cappseals in Massachusetts case; research and review cases in connection with

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<u>Date</u>	<u>Attorney/Paralegal</u>	<u>Hours</u>	<u>Description</u>
			; conference with P. Brooks regarding ; conference with K. Perrelli regarding:
04/12/04	D. Tabacopoulos	3.80	Telephone discussion with B. Maihos regarding ; multiple telephone discussions with Todd Stanwood and Scott Stanwood regarding revise Stanwood declaration per discussion with T. Stanwood; multiple telephone discussions with C. Robertson regarding review and revise Robertson declaration; finalize opposition papers; telephone discussion with court clerk regarding filing of opposition papers to TRO.
04/12/04	D. Welding	0.70	(Cappseals) Review and edit opposition to motion for temporary restraining order and request for sanctions.
04/12/04	J. Kobulnick	0.40	Revise Memorandum or Points and Authorities in Opposition to Motion for TRO and check case authorities cited therein.
04/12/04	J. Kobulnick	3.80	Draft Motion to Dismiss or in the Alternative to Transfer Venue.
04/13/04	C. Larkin	1.30	Conference with Mr. Kobulnick and Ms. Tabacopoulos regarding ; review plaintiffs' reply on motion for TRO; conference with Mr. Kobulnick and Mr. Robertson regarding ; conference with Mr. Robertson regarding
04/13/04	C. Robertson	1.70	Meet with C. Larkin and D. Tabacopoulos in connection with ; review briefs, cases and affidavits in connection with opposition.
04/13/04	D. Tabacopoulos	1.70	Discussion with C. Robertson regarding ; review Healthy Solutions reply brief; telephone discussion with clerk regarding ITV's opposition to application for TRO; review and revise 12(b)(3) motion.
04/13/04	J. Kobulnick	6.40	Revise Motion to Dismiss or in the Alternative to Transfer Venue; meeting with D. Tabacopoulos and consulted local court rules and specific judge procedures regarding ; meeting with C. Robertson and conference call to C. Pedersen; review fax correspondence from C. Pedersen in support of motion; draft Declaration of W. Norman in support of motion; several telephone calls to opposing counsel (left messages) pursuant to Local Rule requirement to meet and confer before filing motions; several meetings with D. Tabacopoulos regarding telephone conference with client regarding and draft declaration of R. Maihos.

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<u>Date</u>	<u>Attorney/Paralegal</u>	<u>Hours</u>	<u>Description</u>
04/13/04	K. Perrelli	0.50	Begin review of materials; telephone conference with C. Robertson.
04/13/04	O. Golinder	0.80	Prepare documents for electronic filing; electronically file opposition to TRO motion.
04/13/04	P. Brooks	2.50	Revise opposition to motion and file same. telephone conference with R. Maihos and email R. Long. Prepare oral argument on motions.
04/14/04	B. Bernstein	0.10	Printed out docket from the U.S. Central District court for case 04-00236 for D. Tabacopoulos.
04/14/04	C. Larkin	1.30	Review correspondence from Mr. Brooks regarding ; conference with Mr. Robertson regarding conference with Mr. Kobulnick regarding ; review and revise letter to opposing counsel regarding Local Rule 7-3 pre-motion conference; conference with Mr. Robertson regarding ; conference with Ms. Tabacopoulos regarding
04/14/04	C. Robertson	1.10	Review draft of motion to transfer venue and discuss with C. Larkin and J. Kobulnick; telephone call with P. Brooks regarding ; review and annotate Healthy Solutions motion for TRO, amended complaint and affidavits.
04/14/04	D. Tabacopoulos	0.70	Review e-mail communication from P. Brooks; review and revise 12(b)(3) motion; telephone discussion with C. Larkin and C. Robertson; monitor J. Timlin's website for ruling regarding TRO.
04/14/04	J. Kobulnick	4.10	Telephone conference with opposing counsel regarding motion to dismiss or in the alternative to transfer venue; draft letter to opposing counsel with attachments regarding same and regarding service of Complaint in Massachusetts action; investigation of service of Massachusetts Complaint upon Healthy Solutions; draft Declaration of William D. Norman in support of motion to dismiss/transfer venue and telephone conference with Mr. Norman regarding ; meeting with C. Larkin regarding ; revise motion to dismiss/transfer venue.
04/14/04	P. Brooks	4.60	Prepare for and attend hearing on application for preliminary injunction; email California counsel. review FTC complaint and telephone to Bob regarding
04/15/04	C. Larkin	1.70	Review correspondence from Ms. Golinder regarding ; review preliminary injunction and related documents; telephone conference with Mr.

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<u>Date</u>	<u>Attorney/Paralegal</u>	<u>Hours</u>	<u>Description</u>
			Robertson regarding
			; draft and revise supplemental opposition to motion for TRO regarding entry of preliminary injunction in Massachusetts action and attend to service and filing; conference with Mr. Kobulnick regarding
			review and analyze court's order transferring California action to Massachusetts and denying TRO application as moot; telephone conference with Mr. Robertson regarding ; correspond with Mr. Robertson regarding ; review correspondence from Mr. Robertson regarding
04/15/04	D. Tabacopoulos	0.60	Review and revise 12(b)(3) motion; telephone discussion with J. Kobulnick regarding
04/15/04	J. Kobulnick	2.00	Telephone conference with D. Tabacopoulos regarding review telephone message from W. Norman; revise Norman Declaration in support of Motion; revise motion; meeting with C. Larkin regarding ; review Massachusetts court order; preparation of fax to opposing counsel with Massachusetts court order; review Cappseals' motion to intervene for additional support for motion to dismiss or to transfer venue.
04/15/04	P. Brooks	0.80	California case conference.
04/15/04	S. Gelwick	1.40	Conference with P. Brooks regarding ; review pleadings from C. Robertson filed in MA action against Guerrero and Healthy Solutions.
04/19/04	C. Robertson	1.20	Review and annotate memorandum of law in support of motion for TRO; review cases in memorandum of law and annotate; review affidavits and documents in support of motion.
04/20/04	C. Larkin	0.30	Telephone conference with Mr. Robertson regarding
04/20/04	C. Robertson	1.70	Review transfer order entered by court in California; review Cappseals intervention papers and motion for TRO; review Healthy Solutions motion for TRO, counterclaim and related papers in Massachusetts federal action.
04/20/04	S. Gelwick	2.50	Conference with C. Robertson for ; review memorandum prepared by C. Robertson; conference with P. Brooks regarding review pleadings filed in CA case before transfer to MA.
04/21/04	C. Robertson	3.40	Prepare opposition to motion for TRO, including affidavits from R. Maihos and C. Robertson and amended complaint; draft and send letter demanding indemnity for FDA and FTC investigations; review

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<u>Date</u>	<u>Attorney/Paralegal</u>	<u>Hours</u>	<u>Description</u>
			and annotate complaint and motion for TRO; conference with P. Brooks.
04/21/04	S. Gelwick	2.50	Research MA and First Circuit case law regarding ; review Guerrero's affidavit and memorandum or law in support of P.I.
04/22/04	C. Robertson	6.90	Prepare opposition to motion for TRO filed by Healthy Solutions, including preparation of opposition affidavits, amended complaint and brief in opposition; research caselaw on review affidavits and documents submitted in support of motion; conference with S. Gelwick regarding ; conference with P. Brooks; call with E. Barrett; call with B. Maihos regarding
04/22/04	S. Gelwick	4.70	Review revised memorandum of law in support of preliminary injunction filed by Healthy Solutions; conference with C. Robertson; review draft affidavits of Robertson and Maihos and of First Amended Complaint; conduct research of MA federal case law regarding
04/23/04	C. Robertson	2.80	Prepare opposition to motion for TRO, including affidavits, amended complaint and brief; review medical claims by Guerrero and background; review California law regarding ; review 20/20 issues in connection with interview; calls with E. Barrett regarding review emails regarding
04/23/04	S. Gelwick	2.70	Conference with C. Robertson; review amended affidavits; review exhibits and affidavits filed in support of Healthy Solutions' motion for preliminary injunction; review infomercial for Supreme Greens.
04/26/04	C. Robertson	1.80	Prepare opposition to motion for TRO in connection with counterclaims filed by Healthy Solutions; review and revise affidavit in opposition to motion for TRO; meet with S. Gelwick regarding
04/26/04	S. Gelwick	6.70	Review drafts of Robertson and Maihos affidavits; further research of First Circuit case law on review 20/20 videotape; conference with P. Brooks and C. Robertson; call to CA office regarding transcript from ABC.
04/27/04	S. Gelwick	7.70	Research First Circuit case law on ; review videotape from infomercial; revise Maihos affidavit.

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<u>Date</u>	<u>Attorney/Paralegal</u>	<u>Hours</u>	<u>Description</u>
04/28/04	C. Robertson	1.20	Conference with S. Gelwick regarding review 20/20 videotape in connection with opposition to TRO; review Internet issues and Supreme Greens websites; conference with P. Brooks regarding
04/28/04	J. Kobulnick	1.00	Review article from ABCNews (20/20) regarding recent interview with Dr. Guerrero and client; order videotape transcript; interoffice correspondence with C. Larkin and C. Robertson regarding ; review correspondence from C. Larkin.
04/28/04	S. Gelwick	8.60	Conference with C. Robertson; review Robertson and Maihos affidavits; revise draft of amended complaint; review counterclaim filed by Healthy Solutions and supporting exhibits to motion for preliminary injunction; continue drafting opposition to motion for TRO and for preliminary injunction.
04/29/04	C. Robertson	2.10	Draft and revise opposition to motion for TRO; review affidavits and revise; review letter from Guerrero counsel regarding indemnification demand; review Guerrero letter and materials related to distributors; call with B. Maihos regarding
04/29/04	S. Gelwick	9.30	Further research of First Circuit case law on ; further preparation of opposition to motion for preliminary injunction; revisions to supporting affidavits and first amended complaint; conference with C. Robertson; review of correspondence regarding indemnification.
04/30/04	C. Larkin	0.20	Review correspondence from Mr. Robertson regarding ; telephone conference with Mr. Robertson regarding
04/30/04	C. Larkin	0.80	Telephone conference with Ms. Ellenberger, Mr. Robertson, and Mr. Kobulnick regarding
04/30/04	C. Robertson	4.20	Finalize and file opposition to motion for TRO and amended complaint in Massachusetts federal court; review amended complaint and motion for leave to file amended complaint; review and sign affidavit in opposition to motion; review Maihos affidavit; review cases ; conference with S. Gelwick regarding conference with P. Brooks; review letter sent by Guerrero to distributors and send email to E. Barrett; review ; call with C. Larkin regarding
04/30/04	J. Kobulnick	2.20	Telephone conference with C. Robertson, C. Larkin, and L.

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<u>Date</u>	<u>Attorney/Paralegal</u>	<u>Hours</u>	<u>Description</u>
			Ellenberger regarding ; initial review of portion of client file.
04/30/04	O. Golinder	4.10	Review and revise Opposition to PI, Affidavit of R. Maihos, Affidavit of C. Robertson and Amended Complaint; prepare exhibits; scan exhibits for electronic filing; file same.
04/30/04	S. Gelwick	7.20	Final revisions to opposition to motion for preliminary injunction, supporting affidavits and amended complaint; conference with C. Robertson; conduct research; preparation of motion for leave to file amended complaint; preparation of documents for filing.
04/30/04	S. Gelwick	0.20	Telephone conference with U.S. District Court's clerk regarding electronic filing of papers.

Total Hours 243.90

Total Fees 74,395.50

Disbursements

Copying	94.80
Facsimile	10.00

Total Disbursements \$ 104.80

Total This Statement \$74,500.30

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Direct Marketing Concepts, Inc.
100 Cummings Center
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Beverly, MA 01915-6109
Attn:

INVOICE SUMMARY

Total Fees	\$74,395.50
Total Disbursements	<u>104.80</u>
Total Fees and Disbursements This Statement	<u>\$74,500.30</u>

PLEASE RETURN THIS COPY WITH YOUR PAYMENT

PAYMENT MAY BE MADE BY WIRE TO: BANK ONE
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Attn:

For legal services rendered through the month of May 2004

Supreme Greens Litigation

<u>Date</u>	<u>Attorney/Paralegal</u>	<u>Hours</u>	<u>Description</u>
04/22/04	C. Larkin	0.20	Telephone conference with Mr. Robertson regarding
05/03/04	S. Gelwick	1.40	Begin preparation of document requests to Healthy Solutions.
05/04/04	O. Golinder	1.00	Draft answer to complaint in intervention.
05/04/04	S. Gelwick	1.20	Assist in preparation of answer to complaint for intervention; begin preparation of interrogatories and automatic disclosure.
05/05/04	C. Robertson	1.10	Draft and file answer to Cappseals complaint in intervention; call with counsel regarding answer and oral argument on Healthy Solutions motion.
05/05/04	O. Golinder	2.30	Continue drafting an answer to the complaint-in-intervention; electronically file same.
05/05/04	S. Gelwick	1.20	Review of draft of answer; further preparation of discovery requests.
05/07/04	C. Robertson	0.50	Call with B. Christiansen regarding opposition to motion; review opposition in connection with motion for TRO regarding credentials of Guerrero.
05/10/04	O. Golinder	0.70	Case management.
05/12/04	C. Robertson	0.20	Review letter from Judge Young regarding scheduling conference in connection with case transferred from California.

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ATTORNEYS **SHAW** LLP

Direct Marketing Concepts, Inc.

Invoice No. 1003533
1843 / 35965
Page 2

<u>Date</u>	<u>Attorney/Paralegal</u>	<u>Hours</u>	<u>Description</u>
05/12/04	M. Callahan	0.30	Conferences with C. Robertson regarding
05/14/04	C. Robertson	1.10	Review and annotate reply brief, affidavits and documents in support of motion for TRO; outline responses.
05/14/04	O. Golinder	0.30	Review docket regarding motion for leave to file a reply brief; obtain copy of the reply brief and exhibits.
05/17/04	C. Robertson	2.30	Review and annotate reply brief in support of motion for TRO; review and annotate cases in response to reply brief; review docket in connection with filings and hearing; conference with P. Brooks and S. Gelwick.
05/17/04	S. Gelwick	1.40	Review Healthy Solutions' Reply brief, supporting affidavits and cases cited; conference with C. Robertson.
05/18/04	C. Larkin	0.90	Telephone conferences with Mr. Robertson regarding conferences with Mr. Kobulnick regarding conference with Mr. Kobulnick regarding
05/18/04	C. Robertson	1.50	; meet with S, Gelwick regarding ; meet with P. Brooks; review cases
05/18/04	M. Callahan	0.60	Conferences with W. Callahan and P. Brooks regarding
05/18/04	O. Golinder	2.10	Obtain cases cited in opposition; prepare documents for hearing; attention to file administration.
05/18/04	S. Gelwick	2.20	Review of revised affidavit of D. Barrett; review of new affidavits in support of Healthy Solution's motion for preliminary injunction and compare with affidavits filed in CA action; conference with C. Robertson regarding ; research additional MA case law for sur-reply.

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<u>Date</u>	<u>Attorney/Paralegal</u>	<u>Hours</u>	<u>Description</u>
05/19/04	C. Larkin	2.00	Telephone conferences with Mr. Robertson regarding ; review correspondence from opposing counsel regarding extensions of time to respond to counterclaims and to respond to discovery requests; conferences with Mr. Kobulnick regarding ; draft and revise stipulation for further extension of time to reply to Shop America's counterclaim; correspond with Ms. Ellenberger regarding
05/19/04	C. Robertson	4.10	Prepare for hearing on motion for TRO in federal court; review tapes of 20/20 segment and raw footage of infomercial; review sur-reply brief; review affidavits; conference with S. Gelwick; finalize submission; call with court regarding video set-up.
05/19/04	O. Golinder	5.10	Obtain a docket; draft affidavit of C. Robertson; prepare exhibits for filing; electronically file surreply; attention to file.
05/19/04	S. Gelwick	7.30	Conference with C. Robertson; preparation of sur-reply to Defendant's reply in support of motion for preliminary injunction; conduct additional research of MA and federal case law to support opposition; prepare documents and affidavits for filing; review of Guerrero's testimony in 20/20 interview.
05/20/04	C. Larkin	0.20	Telephone conference with Mr. Robertson regarding ; review correspondence from Mr. Robertson regarding
05/20/04	C. Robertson	3.80	Prepare for and attend hearing on Healthy Solutions' motion for TRO before Judge Tauro; call with R. Maihos regarding
05/20/04	M. Callahan	0.50	Conferences with C. Robertson regarding
05/20/04	O. Golinder	0.20	Check the docket; conference with C. Robertson regarding
05/20/04	S. Gelwick	2.50	Prepare documents and obtain case law for hearing on Healthy Solutions' motion for preliminary injunction; conference with C. Robertson regarding ; review of court's order on Defendant's motion for TRO; review unedited infomercial for Supreme Greens.
05/21/04	S. Gelwick	1.60	Review of Court's order on discovery; review of emails from C. Robertson regarding ; begin preparation of interrogatories to Healthy Solutions.
05/24/04	C. Robertson	0.20	Review court order regarding discovery and related issues.
05/24/04	S. Gelwick	0.40	Review court's order on discovery; review Healthy Solutions' counterclaims and attached exhibits.
05/28/04	M. Callahan	0.60	Conferences with C. Robertson; review various matters.

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<u>Date</u>	<u>Attorney/Paralegal</u>	<u>Hours</u>	<u>Description</u>	
05/28/04	O. Golinder	0.60	Research corporate address for Rite Aid and CVS; prepare subpoenas for Rite Aid and CVS; conference with S. Gelwick.	
05/28/04	S. Gelwick	1.30	Preparation of reply to Healthy Solutions' and Guerrero's counterclaims; review Judge Tauro's discovery order.	
05/29/04	S. Gelwick	1.40	Revisions to reply to counterclaim; preparation of Rule 30(b)(6) deposition notice to Healthy Solutions; review of ITV's answer to intervenor's complaint.	
Total Hours		54.30		
Total Fees				14,712.50
 <u>Disbursements</u>				
Online Research			42.91	
Copying			125.20	
Meals			21.75	
Total Disbursements				\$ 189.86
<hr/> Total This Statement				<hr/> <u>\$14,902.36</u>

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ATTORNEYS **SHAW** LLP

55 EAST MONROE STREET - SUITE 4200
CHICAGO, ILLINOIS 60603-5803
AREA CODE (312) 346-8000
FEDERAL ID 36-2152202

ATLANTA
BOSTON
CHICAGO
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BRUSSELS

June 2004

Invoice No. 1003533
1843 35965 / 35965-000006

Direct Marketing Concepts, Inc.
100 Cummings Center
Suite 506E
Beverly, MA 01915-6109
Attn:

INVOICE SUMMARY

Total Fees	\$14,712.50
Total Disbursements	<u>189.86</u>
Total Fees and Disbursements This Statement	<u>\$14,902.36</u>

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ATTORNEYS **SHAW**

55 EAST MONROE STREET - SUITE 4200
CHICAGO, ILLINOIS 60603-5803
AREA CODE (312) 346-8000
FEDERAL ID 36-2152202

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BRUSSELS

July 2003

Invoice No. 879781
1843 35965 / 35965-000002

Direct Marketing Concepts, Inc.
100 Cummings Center
Suite 506E
Beverly, MA 01915-6109
Attn:

INVOICE SUMMARY

Total Fees	\$10,141.00
Total Disbursements	<u>23.80</u>
Total Fees and Disbursements This Statement	<u>\$10,164.80</u>

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